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JUN 1 2011

DJ

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON



11-CV-00872-DOCTRM

UNITED STATES DISTRICT COURT  
for the  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEBORAH R. BEATON,

Plaintiffs,

v.

JPMORGAN CHASE BANK N.A.,  
NORTHWEST TRUSTEE  
SERVICES, INC.,

Defendants.

CASE NO. 11-CV-872 RAJ

VERIFIED AMENDED MOTION FOR  
PRELIMINARY INJUNCTION

NOTED FOR MOTION JUNE \_\_, 2011.

Plaintiff DEBORAH R. BEATON motions this Honorable Court to issue a preliminary injunction in support therefore states:

JURISDICTIONAL ALLEGATIONS

1. This is an action for the equitable remedy for preliminary injunction.
2. Petitioner resides in King County, Washington.
3. The threatened harm to be enjoined is threatened to be imposed in King County, Washington.

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Deborah R. Beaton, Plaintiff  
31431 46th Pl SW  
Federal Way, WA 98023  
(509) 499-1607

- 1 4. Defendant, NORTHWEST TRUSTEE SERVICES, INC., by and through the registered  
2 agent Jeff Stenman has received service of the summons, complaint, motion for temporary  
3 restraining order, motion for preliminary restraining order, affidavit of hardship and injury;  
4 and,  
5
- 6 5. JPMORGAN CHASE BANK N.A., whose United States address is 270 Park Avenue, New  
7 York, NY 10017, has been served the summons, complaint, motion for temporary restraining  
8 order, motion for preliminary restraining order, affidavit of hardship and injury via a process  
9 server in New York.
- 10 6. The subject Property is located in King County, Washington.
- 11 7. This Honorable Court has Jurisdiction.
- 12
- 13

14 FACTUAL ALLEGATIONS

- 15 8. Defendant, NORTHWEST TRUSTEE SERVICES, INC. has scheduled a Trustee's Sale of  
16 the subject Property (File No. 7763.28416) for June 3, 2011 due to an alleged default of  
17 an alleged loan obligation, both of which the plaintiff disputes.
- 18 9. Plaintiff is the party of record with exclusive possessory rights to the below described subject  
19 Property, according to the official records of King County, Washington, legally described as:  
20

21 W 182 FT OF E 342 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LESS S 140 FT  
22 & N 20 FT OF S 160 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LY E OF  
23 24TH PL S LESS E 342 FT LESS N 75 FT.

24 Assessor's Parcel Number: 162204-9155

25 commonly known as: 22650 24th Ave S, Des Moines, WA 98198; as evidenced by a

26 Statutory Warrantee Deed recorded in King County, Washington, Auditor's file number

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1 20060906002230.

2 10. Defendant(s) have produced no valid enforceable perfected security interest in the  
3 subject Property.

4 11. The defendant's alleged default is in dispute and unproven.

5 12. The threatened harm to plaintiff outweighs any substantial harm to the Respondents.

6 13. Plaintiff would be irreparably harmed and be permanently and wrongfully deprived of  
7 possession of the subject Property if the trustee sale (File No. 7763.28416) scheduled  
8 for June 3, 2011 is not restrained.  
9

10 14. The relief requested by plaintiff is in the public interest.

11 15. There is substantial likelihood that none of the defendants have an enforceable security  
12 interest in the subject Property, that a default will not be a proven, that no loan was  
13 ever performed; and, therefore there is substantial likelihood that a judgment will be  
14 entered that no defendants are entitled to payment of a loan or have standing to  
15 foreclose.  
16

17 16. Plaintiff requests that the Court take judicial notice that on or about April 13, 2011,  
18 Defendant JPMORGAN CHASE BANK N.A. stipulated to a voluntary consent order  
19 Consent Order No. AA-EC-11-15 filed with THE OFFICE OF THE COMPTROLLER OF  
20 THE CURRENCY (OCC) stating JPMORGAN CHASE BANK N.A. (page 3 (c)) litigated  
21 foreclosure proceedings and initiated non-judicial foreclosure proceedings without always  
22 ensuring that either the promissory note or the mortgage document were properly endorsed or  
23 assigned and, if necessary, in the possession of the appropriate party at the appropriate time"  
24 pursuant to voluntary Consent Orders filed with the OCC (see Exhibit "E" of complaint)  
25  
26

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1 17. A preliminary injunction is necessary to protect plaintiff from the threatened harm.

2 18. No bond should be required of Plaintiff as a precondition to the granting of the relief  
3 requested herein because: a) the alleged default is in dispute and unproven; and, b)  
4 defendant(s) have produce no valid enforceable perfected security interest in the  
5 subject Property; however, plaintiff is willing, upon request to place a recordable deed  
6 for the subject Property in lieu of cash bond with the Court Clerk pending the  
7 disposition of this action.  
8

9  
10 **RELIEF REQUESTED**

11 WHEREFORE Plaintiff DEBORAH R. BEATON, moves the Honorable Court to enter a  
12 Preliminary Injunction enjoining all defendants and specifically NORTHWEST TRUSTEE  
13 SERVICES, INC. from selling the subject Property and granting such other and further relief as  
14 the circumstances may warrant until further notice of the Court.  
15

16 UNDER PENALTIES OF PERJURY, I affirm that the facts alleged in the foregoing are true  
17 and correct according to my own personal knowledge.  
18

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26 //

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//

Date: May 31, 2011.

### VERIFICATION

Plaintiff: DEBORAH R. BEATON, Plaintiff

Signature: Deborah R. Beaton

### JURAT

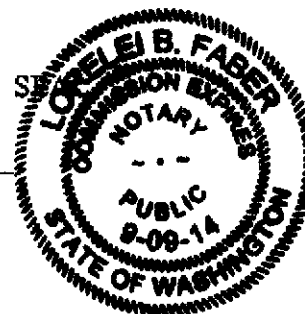
I, the undersigned Notary Public, certify that I know or have satisfactory evidence that Plaintiff DEBORAH R. BEATON appeared before me, and executed this Motion as her sworn statement as a free and voluntary act of her own will under penalty of perjury.

I certify under PENALTY OF PERJURY under the laws of the State of Washington, County of King that the foregoing paragraph is true and correct.

May 31, 2011  
DATED: \_\_\_\_\_

Lorelei B. Faber  
Notary Public

My appointment expires 9-9-2014



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